IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10453 of 2004

Between:

1. The Agricultural Marketing Committee, Eluru, West Godavari District. Rep. By its Chairman, Sri.N.Ramachander Rao, S/o. Somaiah, Age.44 years.
2. The Agricultural Marketing Committee, Bhimadole, West Godavari District, rep. By its Chairman, Venkata Vaguala Madhavarao, s/o PapaRaobabji, age 62 years.
3. The Agricultural Marketing Committee, Attili, West Godavari District, rep. By its Chairmen, Kandula Satyanrayana, S/o Sree Rama Murthy, age 50 years.
4. The Agricultural Marketing Committee, Achnta, West Godavari District, rep. By its Chairman, Chegondi Suryanarayana Rao, S/o Rama Jogaiah, age 49 years.
5. The Agricultural Marketing Committee, Penugonda, West Godavari District, rep by its Chairman, Madapati Sai Chandramouleswara Reddy, S/o Bhaskar Reddy, age 44 years.
6. The Agricultural Marketing Committee, Palakollu, West Godavari District, rep. By its Chairman, Bodapati Pulliah Das, S/o Venkatakrishna Ramdas, age 48 years.
7. The Agricultural Marking Committee, Vungutoor, West Godavari District, rep. By its Chairman, T.Satyanarayana, s/o Subbarao, age 37 years.

..... PETITIONERS

AND
The Commissioner and Director of Marketing, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of writ of Mandamus or any other appropriate writ, direction or order declaring the Circular

Ref.No.S(1)350/2003, dt.20.05.2004 of the Commissioner and Director of Marketing, Government of Andhra Pradesh, as illegal and void and pending disposal of the writ petition, suspend the operation of the same and pass such other orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.M.L.ALI

Counsel for the Respondent: GP FOR AGRICULTURE

The Court made the following:

ORDER:

This writ petition is filed by the petitioners, who are Chairmen of Agricultural Marketing Committees, aggrieved by the circular issued by the respondent dated 20.05.2004 under which certain observations and directions are given to the Secretaries of the Agricultural Marketing Committees.

2. As per the circular, certain directions are given to the Secretaries stating that if any proceedings are made with back dates, the Secretaries would be personally liable and they would be suitably dealt with. The respondent further communicated by the circular that the new Government proposed to abolish the existing Committees and appoint or constitute new Committees as well as new Chairmen. Therefore, the existing Chairmen of Committees are directed not to take any activities, which may be objectionable according to the Rules. It is also observed that any appointments made indiscriminately with back dates may be dealt with

accordingly.

3. The grievance of the petitioners is that when they are continuing as Chairmen, they are entitled to discharge their duties in accordance with law. With reference to the same, the circular should not come in their way as long as they continued as Chairmen of the Committees.

4. Heard the learned counsel for the petitioners and the learned Government Pleader for Agriculture.

5. Though the Government Pleader sought to contend that it is only an internal communication giving caution to the Secretaries, but the petitioners are aggrieved by the observations made in the circular and the circular dated 20.05.2004 would not come in the way of the petitioners in discharging their duties as Chairmen not only in completing the existing activities, but also to take up any new activity, which is permissible under law. The Chairmen of Agricultural Marketing Committees can carry out any activity or function permissible under the provisions of the Act.

6. With the above observations, the writ petition is disposed of. No costs.

24th June, 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1. The Commissioner and Director of Marketing, Government of Andhra Pradesh, Hyderabad.
2. Two CCs to the Government Pleader for Agriculture, High Court Buildings, Hyderabad. (OUT)
3. Two CD copies.